

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

**REVIEW APPLICATION NO.170/00001/2019 IN ORIGINAL APPLICATION
NO.170/00732/2018**

DATED THIS THE 04th DAY OF APRIL, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

C.R.Nagabhushana
S/o. (Late) C.Rama Rao
Aged about 58 years
Retired as Senior Accountant
Residing at No.5, Ground Floor
2nd 'A' Main, 3rd Cross
AMS Extension, Behind Nativity Church
Vidyaranyapura
Bangalore-560 097.

....Applicant

(Party-in-person)

Vs.

1. The Union of India
Rep. by its Comptroller and Auditor General of India
No.9, Deen Dayal Upadhyaya Marg
New Delhi-110 124.
2. The Principal Accountant General (A&E)
Karnataka Palace Road
Bangalore-560 001.
3. The Senior Deputy Accountant General (Admin)
Principal Accountant General (A&E)
Karnataka, Palace Road
Bangalore-560 001.
4. The Competent Authority
Rep. by its Senior Accounts Officer/HRD
O/o The Principal Accountant General (A&E)
Karnataka, Palace Road
Bangalore-560 001.

...Respondents

(By Advocate Sri M.Vasudeva Rao)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

This review application has been filed seeking review of the order dated 17.12.2018 passed in OA.No.732/2018 by this Tribunal. In the review application, the applicant have referred to the contentions already made in the OA.No.732/2018 such as provision of Rule 56(1-A)(a), applicability of the judgment in Bhagwan Das & Anr. vs. Punjab State Electricity Board decided on 4.1.2008 by the Hon'ble Apex Court, DoPT OM dtd.19.5.2015 on Section 47 of PWD Act 1995, not accepting his request for VR under Rule 38 of CCS(Pension) Rules 1972 etc., stating that the Tribunal has passed orders without considering his grievances.

2. The respondents have also filed reply statement reiterating the submissions made in the main reply of OA.732/2018 and their written arguments note.

3. We have gone through the review application and reply statement. The points raised by the applicant in the review application have already been taken into consideration while passing the order in OA.732/2018 dtd.17.12.2018 by this Tribunal. In fact, in that order itself it has been clearly stated that all the averments of the applicant have been gone into in detail by this Tribunal in OA.No.335/2015 vide its order dtd.24.11.2016 and the RA against this order was also dismissed. No additional facts other than what was submitted by the review applicant in the main OA have been cited in the present review application. It is well settled position that review of an order passed by the Administrative Tribunal can be made only on the following circumstances, as enumerated by the Hon'ble Apex Court in *State of West Bengal & others v. Kamal Sengupta and another (2008) 2 SCC (L&S) 735*:

1. The power of the Tribunal to review its order/decision under Section 22(3) (f)

of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 CPC.

2. The Tribunal can review its decision on either of the grounds enumerated in order 47 Rule 1 and not otherwise.

3. The expression “any other sufficient reason’ appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.

4. An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the fact of record justifying exercise of power under Section 22(3)(f).

5. An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

6. A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger bench of the Tribunal or of a superior Court.

7. While considering an application for review, the tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

8. Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier.”

4. It is quite evident that no new point has been brought out by the review applicant other than what had been highlighted while considering the OA. The facts mentioned in the written arguments had already been highlighted by him in the OA as well as put forth during the arguments and were taken into consideration while passing the order dated 17.12.2018. Therefore, we hold that there is absolutely no merit in the review application and the same is liable to be dismissed.

5. Consequently, the RA stands dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

Annexures referred to by the applicant in RA.No.1/2019 (OA.No.732/2018)

Annexure-RA1: Order dt.17/12/2018 in OA.No.732/2018

Annexure-RA2: Medical certificate dt.15/6/2018

Annexure-RA3: Judgment of the Hon'ble Apex Court in Bhagwan Dass and another vs. Punjab State Electricity Board decided on 4/1/2008

Annexure-RA4: Office Memorandum dt.19/5/2015

Annexure-RA5: Disability Certificate and ID for Differently Abled Persons, issued by NIMHANS, Bangalore

Annexures with reply statement:

Annexure-R1: Copy of Letter dtd.15.07.2014 of the applicant

Annexures with written arguments note filed by the applicant:

-NIL-

Annexures with written arguments note filed by the respondents:

-NIL-
